

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 53-58 and 61-75 are pending in this application.

**Rejections Under 35 U.S.C. §102 and §103:**

Claim 51 was rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over Wrabetz et al (U.S. '791, hereinafter "Wrabetz"). Claims 44 and 52 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Wrabetz in view of Babeyev et al (U.S. '121, hereinafter "Babeyev"). Claims 44 and 51-52 have been canceled and thus the above rejections are deemed moot.

Claims 45-48, 50 and 53-60 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Wrabetz in view of Parad (U.S. '570). Claims 45-48, 50 and 59-60 have been canceled. Applicant traverses this rejection with respect to still pending claims 53-58.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant submits that the combination of Wrabetz and Parad fails to teach or suggest all of the claimed limitations. For example, the combination fails to teach or suggest "negotiation means for use in establishing conditions applicable to provision of one or more component processes involved in provision of said service, said negotiation means being adapted to assemble said conditions in the data store proactively by negotiation prior to receipt of said service request," as required by independent claim 53 and claims 54-58 which depend therefrom.

Page 3, lines 7-17 of the Office Action states "Wrabetz et al fails to disclose the following, however Parad discloses:...wherein a service request is processed by accessing one or more of the previously established conditions in the data store, processing the request using one or more established conditions, and producing said response/wherein the processing means is adapted to process a service request by accessing one or more of the previously established conditions...(Col. 26, lines 37-41, where rules are retrieved from the database in order to determine appropriate calendars)." The Office Action thus apparently alleges that col. 26, lines 37-41 discloses a service request in Parad being responded to by accessing one or more previously established conditions.

Parad discloses distinct software processes which represent distinct resources. These processes access data representing the state of resources they represent. In particular, Parad is primarily concerned with providing a computerized manufacturing scheduling system which offers a time reaction to events which might upset manufacturing being performed to a schedule previously generated by the system. The timely reaction is achieved by having the distinct software process which represents a resource (a resource engine) balancing supply and demand (see box 10 of Fig. 6) when the processing of a resource (box 8) reveals that the state of the resource has changed (box 9). It is this balancing that is discussed in col. 26, line 17 to col. 27, line 42 of Parad. The above-cited portion of Parad identified by the Office Action indicates that a calendar showing the availability of the resource is used in deciding how the schedule

should be updated to react to the event (in this particular example, the event is removable of the requirement to supply a parent resource, col. 26, lines 36-38).

However, there is no disclosure in Parad that the resource engine incorporates a mechanism for negotiating the rules used in deciding how to react to an event (which may be a demand event such as a service request). Rules 803 are data accessible by the resource engine (see Fig. 8) if it is those rules that are used in schedule balancing (compare Fig. 14, item 1402 with Fig. 8, items 802-804). The rules discussed at col. 29, line 58 are rules relating to how information from the resource engine should be presented to the user. Parad's software design is typical of an object-oriented application (col. 13, lines 11-13) in that it has user interface software objects (the action controls) which are distinct from the software objects which carry out the essential portion of the processing (the resource engine). The user interface software object (action control) is described at col. 27, line 42 to col. 31, line 52. It is thus clear that the rules referred to at col. 29, line 58 have nothing to do with the rules referred to in col. 26. Hence, the Office Action fails to provide a showing that the rules used in determining how to react to a service request on negotiated prior to them being stored (as part of each resource engine object). Instead, the rules referred to at col. 29, line 58 are rules supplied by a user to indicate how he or she would like the data shown in Fig. 10 to be displayed.

Claim 53 requires assembling established conditions applicable to provision of one or more component processes in a data store proactively by negotiation prior to receipt of a service request. This prior negotiation speeds up the system's response to a service

request in the present invention. The fact that the conditions are negotiated at all (in contrast to Parad's system) means that the system of the present invention is more flexible than that disclosed by Parad. Furthermore, this flexibility is provided without a corresponding decrease in the speed of response to a service request.

Accordingly, Applicant submits that claims 53-58 are not "obvious" over Wrabetz and Parad and respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

**New Claims:**

New claims 61-75 have been added to provide additional protection for the invention. Claims 61-67 require, *inter alia*, "establishing conditions applicable to provision of one or more component processes in a service, proactively by negotiation prior to receipt of said service request." Claims 68-75 require, *inter alia*, execution of autonomous software processes establishing conditions applicable to provision of a service by negotiation between first and second autonomous software processes, and responsive to receipt of a request for service by the second autonomous software process from the first autonomous software process, testing whether established conditions for provision of the service are met and providing an indication as to whether the requested service is available in dependence upon the outcome of the test. Applicant therefore believes that new claims 61-75 are allowable.

*O'BRIEN et al.*

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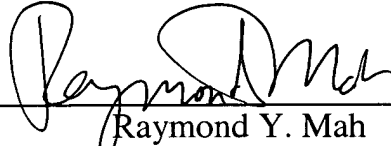
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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